

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

HILDA L. SOLIS,)	
Secretary of Labor,)	Civil Action No.
United States Department of Labor,)	
)	1:09-cv-0083-AAT-JBB
Plaintiff,)	
)	
v.)	
)	
MARK BLACK,)	
TOM BLACK,)	
SYNERGY HOLDINGS, INC., and)	
SYNERGY HOLDINGS, INC. 401(k) PLAN,)	
)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT AGAINST
DEFENDANT SYNERGY HOLDINGS, INC.**

Plaintiff, the Secretary of Labor, United States Department of Labor (“the Secretary”) moves pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure for the entry of a default judgment in favor of the Secretary and against the Defendant Synergy Holdings, Inc. (“Defendant”), for the relief requested in Plaintiff’s Complaint filed herein, based upon the following grounds:

1. Defendant was served with a copy of the Complaint and Summons on or about March 18, 2010 through the Tennessee Secretary of State, pursuant to Federal Rule of Civil Procedure 4 (h)(1)(B) and Tennessee Code § 48-55-104(b).

2. A default against Defendant was entered by the Clerk of the Court on August 5, 2010. Docket Entry {22}. Defendant has not answered or otherwise defended this action since the default was entered.

3. To the best of the Secretary's knowledge, Defendant has no registered agent, and, therefore, pursuant to Tennessee Code § 48-55-104(b), the Tennessee Secretary of State acts as the agent for Defendant and service on the Tennessee Secretary of State was proper.

4. Plaintiff is entitled to the relief sought based on the assertions in her Complaint.

WHEREFORE, pursuant to section 502(a)(2) and (5) of ERISA, 29 U.S.C. § 1132(a)(2) and (5), as stated in Plaintiff's Complaint, the Secretary requests that the Court enter an Order which:

- A. Enters judgment in favor of the Plaintiff;
- B. Enjoins Defendant from violating the provisions of Title I of ERISA.

C. Permanently enjoins Defendant from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

D. Removes Defendant from any position the Defendant holds as a named or functional fiduciary to the Plan.

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Counsel

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Attorney

Office of the Solicitor
U. S. Department of Labor
Attorneys for Plaintiff.

SOL Case No. 09-12093

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CERTIFICATE OF SERVICE

I certify that the foregoing **Plaintiff's Motion for Default Judgment Against Defendant Synergy Holdings, Inc., Memorandum of Law in Support of Plaintiff's Motion for Default Judgment and proposed Default Judgment** was electronically filed with the Clerk of the Court by using CM/ECF and was served this 19th day of August, 2010, by mailing true copies thereof, by first class mail to:

Synergy Holdings, Inc.
c/o Secretary of State
Tennessee Department of State
Summons Section
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

/s/Melanie L. Paul
MELANIE L. PAUL
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